



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------|-------------|----------------------|-------------------------|------------------|
| 10/717,717 | 11/21/2003 | Sung-Su Jung | 8734.261/US | 8857 |
| 30827 | 7590 | 12/30/2009 | EXAMINER | |
| MCKENNA LONG & ALDRIDGE LLP | | | FLETCHER III, WILLIAM P | |
| 1900 K STREET, NW | | | ART UNIT | PAPER NUMBER |
| WASHINGTON, DC 20006 | | | 1792 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 12/30/2009 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

| | | |
|--|------------------------------------|--|
| Application No. 10/717,717 | Applicant(s) JUNG ET AL. | |
| Examiner William P. Fletcher III | Art Unit 1792 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2009.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 11-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment and remarks filed September 15, 2009, are noted with appreciation.
2. Claims 1-16 remain pending.

Election/Restrictions

3. Claims 1-10 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 22, 2006.

Response to Arguments

4. The objection to claims 12 and 13 is withdrawn in view of the amendment.
5. Further, none of the purported advantages of Applicant's process, relied upon by Applicant, are claimed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
6. As noted in the prior Office action, there appears to be no criticality ascribed to the dummy plate area, either in the cited prior art or in the invention instantly claimed. It would have been obvious to utilize as small a dummy substrate as possible in order to minimize the cost of materials involved with producing the dummy substrate. Since the precise size of the claimed dummy substrate is impossible to determine (see below), the relative advantages/disadvantages asserted by Applicant are not readily applicable to the claims, as written. Further, the purported advantages/disadvantages are not recited

Art Unit: 1792

in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. Finally, Applicant again argues that JP '533 teaches away from the instantly claimed subject matter. Beyond this broad statement, Applicant has provided no argument or evidence to support this allegation. As such, it remains not persuasive.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claim 11 has been amended to recite: *wherein the first and second dummy aligning plates are smaller in area by several times to several tens of times than a mother substrate*. This limitation, in reciting *several times to several tens of times*, is inclusive of infinitesimally small areas and it is unclear from the specification just what the functional lower limit of the area of the dummy plate may be. As such, the metes and bounds of the claim are impossible to determine.

B. Claims 12-16 are similarly rejected by virtue of their incorporation of this indefinite subject matter.

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 11-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted state of the prior art in view of JP 05-107533 A.

A. As noted in the prior Office action, Applicant's admitted state of the prior art, detailed in the instant specification at paragraphs 0017-0021 and Figs. 4A-4F, teaches all of the limitations of these claims with respect to a single dummy substrate, including the claimed forward/backward and left/right movement of the table and second camera as well as the unloading of the dummy substrate and loading of a mother substrate.

B. As noted in the prior Office action, Applicant's admitted prior art does not teach the presence of a second dummy substrate.

C. As noted in the prior Office action, It is the Examiner's position that, as evidenced by, for example JP 05-107533 A, cited in the IDS filed October 31, 2007, it is known in the art to provide two substrates that will be joined in opposing contact, with alignment marks. As such, it would have been obvious to provide two dummy substrates, one for each of the two substrates that will be joined in opposing contact, and to provide these with alignment marks according to the known prior art process disclosed by Applicant. One skilled in the art would have been motivated to do so by the desire and expectation of providing alignment marks on both dummy substrates. Since the process disclosed by

Art Unit: 1792

Applicant as known for a single dummy substrate, repetition on a second substrate would have been well within the purview of one skilled in the art and readily obvious.

D. With respect to the limitation concerning the size of the substrate, as noted in the prior Office action, there appears to be no criticality ascribed to the dummy plate area either in the cited prior art or in the invention instantly claimed. As such, one skilled in the art would have advantageously utilized dummy plates of any suitable size.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1792

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Sunday, 5:00 AM - 12:00 PM and Monday through Friday, 5:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Phillip Fletcher III/
Primary Examiner, Art Unit 1792

December 28, 2009